

MINUTES
ENFORCEMENT COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 SOUTH IH-35, BOARD ROOM, AUSTIN, TX
August 29, 2013–9:00 AM

CALL TO ORDER. Sam Kannappan, P.E., Committee Chair, called the Enforcement Committee meeting of the Texas Board of Professional Engineers (TBPE) to order at 9:01 a.m. on August 29, 2013, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX. (NOTE: All votes are unanimous, unless noted otherwise.)

1. Roll call and welcome visitors.

Sam Kannappan, P.E.,	Chair
Kyle Womack, P.E.	Member
Elvira Reyna	Member (excused absence)
Edward Summers	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General, and Ms. Helen Kelley, Assistant Attorney General, were present to provide legal counsel to the Board. Mr. Jose I. Guerra, P.E., and Mr. Edmundo Gonzalez Jr., P.E, Emeritus Board Members, were present.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Pipho, MPA	Deputy Executive Director
C.W. Clark, P.E.	Director of Compliance & Enforcement
David Howell, P.E.	Director of Licensing
Clif Bond	Lead Investigator
Dorothy Gonzales	Executive Assistant

Visitors. Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Trish Smith, TSPE Executive Director; Ken O'Brien, P.E., Texas Department of Transportation (TxDOT).

2. Public comment. None.

DISCUSS AND POSSIBLY ACT ON THE FOLLOWING (AGENDA ITEMS 3-6):

3. Discuss and possibly act on the following rule proposal.

- §139.31-Enforcement Actions for Violations of the Act
The proposed changes to the Disciplinary Procedures section result from the review by the Sunset Advisory Commission. The changes to the law allow the board to issue Cease and Desist orders and emergency suspensions.
- §139.35-Sanctions and Penalties
The proposed changes to this rule results from the review by the Sunset Advisory Commission and includes a change to the maximum administrative penalty for each violation. The change will be reflected in the suggested sanction and penalty tables of the rules.

It was MOVED/SECONDED (Summers/Womack) to recommend to the Board to approve the proposed rule change as submitted to be posted in the Texas Register for comment. A vote was taken and the MOTION PASSED.

4. Director Of Compliance & Enforcement Report.

- C & E Process Improvements Update

Mr. Clark updated Committee members on the new paperless process of the Compliance & Enforcement cases. He added that Virginia Alayon, who was promoted to Investigator from within the agency, has taken on additional duties. Senior investigators have also joined in as part of the Outreach team, and are conducting presentations throughout the state of Texas.

Mr. Kinney commended Mr. Clark and the C&E staff for assisting in getting the paperless process implemented and thanked them all for an excellent job.

5. Staff Attorney Reports.

- SOAH Cases
- Suits Against the Board
- Status of Court Cases (Injunctions)

Mr. Clark reviewed the reports which were included as part of the exhibits with the Committee members.

6. Issues for consideration and schedule next meeting.

ADJOURN.

It was MOVED/SECONDED (Summers/Womack) to adjourn the meeting at 9:22 am. A vote was taken and the MOTION PASSED.

Date Committee approved minutes as submitted:	November 21, 2013
Date Board accepted minutes:	November 21, 2013